UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/2002/SR.29
13 April 2002

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-eighth session

SUMMARY RECORD OF THE 29th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 8 April 2002, at 10 a.m.

Chairperson:	Mr. JAKUBOWSKI	(Poland)
later:	Mr. SALLOUM (Vice-Chairperson)	(Syrian Arab Republic)

CONTENTS

ORGANIZATION OF THE WORK OF THE SESSION (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.02-12340 (E) 100402 130402

CONTENTS (continued)

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

(b) PROCEDURE ESTABLISHED IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1503 (XLVIII) AND 2000/3 (continued)

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF THE LIBYAN ARAB JAMAHIRIYA

STATEMENT BY THE CHAIRPERSON OF THE BUNDESTAG COMMITTEE ON HUMAN RIGHTS AND HUMANITARIAN AID

The meeting was called to order at 10.10 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

1. The CHAIRPERSON said that, since final confirmation had been received that evening and night meetings were to be discontinued, the Commission would be forced to take some difficult steps, which would affect many who had invested much effort in their contributions. It was a development that he greatly regretted. In particular, it was regrettable that it would no longer be possible to give non-governmental organizations (NGOs), at least for the foreseeable future, the opportunity to speak on the situation in the occupied Arab territories, as had been promised at the 28th meeting. He therefore invited NGOs to submit statements in writing which would be circulated as official documents of the Commission. Countries wishing to exercise the right of reply were also invited to submit statements in writing, which would also be circulated as official documents.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 9) (continued) (E/CN.4/2002/3, 4, 9, 10, 33-40, 41 and Add.1, 42-49, 124, 144, 149-151, 156-158 and 164-167; E/CN.4/2002/NGO/14, 36, 52 and 54)

2. Mr. PÉREZ-VILLANUEVA y TOVAR (Spain), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia - 27 countries in all, said that the Union's commitment to human rights, solemnly reiterated on the occasion of the proclamation in December 2000 of the Charter of Fundamental Rights of the European Union, lay at the very origin of its existence and guided its common foreign and security policy. The defence and promotion of human rights had been incorporated in strategies and declarations and were a key consideration in the provision of development aid.

3. In view of the importance of the multilateral dimension, the Union attached great importance to the Commission's work. It therefore called on all Governments to comply with their obligations and to cooperate fully with the treaty bodies and with the special rapporteurs, special representatives and independent experts of the United Nations system.

4. The Union was faced with gender inequality, racism, xenophobia and the trafficking of persons associated with migratory flows. Although it had a long track record of taking action to promote gender equality and had recently adopted legislation prohibiting discrimination on the grounds of race, ethnic origin, religion or belief, age, disability or sexual orientation, further action was clearly needed at both the national and Union level to promote equality.

5. The priority given to human rights was at the core of the Union's enlargement process. The 13 associated States taking part in the process were aware that accession entailed the assumption of a broad heritage, of which respect for human rights formed an essential element. The Union looked forward to continuing efforts by those States to attain the high level required of them as future members.

6. The events in Afghanistan over the past few months had shown once again that totalitarian regimes not only gave rise to suffering for their citizens but also constituted a threat to international peace and stability. Under the Taliban regime, extrajudicial executions and killings, systematic use of torture, widespread and systematic discrimination against women and disregard for all civil, political, economic, social and cultural rights had inflicted deep wounds on Afghan society. Such serious violations must not remain unpunished. Mechanisms must be established to ensure respect for human rights throughout the country, as provided for in the Bonn Agreement.

7. The Union, which looked forward to the speedy establishment of the national human rights commission, would continue to support the tasks of reconciliation and reconstruction in Afghanistan. It hoped that the actions of the interim Government would succeed in creating a framework of stability and prosperity and in ensuring respect for human rights, in particular with regard to the status of women and girls. The Union was also concerned about the fate of refugees and displaced persons and the recent reports of continued human rights violations, such as ethnic persecution in the north, and of restrictions on the freedom of the media.

8. The Union was deeply alarmed by the grave deterioration of the situation in the Middle East and had called for the immediate cessation of all acts of violence, including acts of terror, provocation, incitement and destruction.

9. The human rights situation had deteriorated in some countries over the past year, including the Democratic People's Republic of Korea. The Union had made its concerns known in its political dialogue with that country and would welcome further discussions. The Democratic People's Republic must, however, show a constructive attitude in such discussions, which had so far produced no concrete results. In view of the violations of civil and political rights and the lack of respect for economic, social and cultural rights, the Government should further improve access and working conditions for the humanitarian international organizations, including the International Committee of the Red Cross (ICRC).

10. The Union urged the authorities to resolve promptly such humanitarian issues as the exchange visits of separated family members, in accordance with the South-North Joint Declaration of 15 June 2000, and to fulfil the commitments resulting from its accession to the International Covenants on Human Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. It should also sign the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ratify the Convention on the Elimination of All Forms of Racial Discrimination. The authorities should cooperate with United Nations human rights mechanisms and engage in a dialogue with the Office of the High Commissioner for Human Rights (OHCHR). The Union would follow the situation closely, with a view to taking appropriate action in the relevant forums, including the next session of the Commission.

11. The Union always expressed its anxiety about human rights situations to the authorities of the countries concerned, initially by means of dialogue. That, however, did not exempt it from the obligation to denounce human rights violations wherever they occurred. Thus, while recognizing that there had been some improvements in China, it considered that no significant progress had been made in the overall situation. Widespread use of the death penalty had

increased in the framework of the "strike hard" campaign, which had resulted in serious infringements of the right of due process of law for detained and accused persons. The Chinese authorities continued to withhold information about the impact of the campaign. Capital punishment was also applied without respect for minimum legal standards.

12. The use of torture was still widespread. The deaths of detainees in police custody as a result of ill-treatment were frequent. No progress had been made in reforming the situation of administrative detention, including "re-education through labour", which lacked proper judicial process and often entailed forced labour. Long sentences were still imposed for the exercise of freedom of speech and restrictions were placed on the freedom of the press and on access to the Internet.

13. Restrictions on the freedom of expression, assembly, association and religion were still in force. Worship was subject to serious limitations. Particularly worrying was the treatment given to Christian groups. The persecution of democracy activists, religious practitioners and Falun Gong practitioners was particularly harsh. The intensified repression of persons belonging to ethnic minorities in Tibet and Xinjiang was of great concern. The fight against terrorism should be pursued with full respect for human rights and fundamental freedoms.

14. The refusal to give the United Nations High Commissioner for Refugees (UNHCR) and NGOs access to refugees from the Democratic People's Republic of Korea was also a matter of concern. China should ratify the International Covenant on Civil and Political Rights. The statements made by the Chinese authorities on their willingness to cooperate with United Nations special procedures and the ICRC had yet to be translated into any specific action.

15. The continuing campaign against the retention of the death penalty in many countries was a fundamental objective of the Union, which strongly advocated its universal abolition.

16. The Union had noted improvements in some countries with regard to the human rights situation. In others, unfortunately, that had not been the case.

17. Ms. GERVAIS-VIDRICAIRE (Canada) said that experience had taught her Government that dialogue was the most useful tool in improving the human rights situation throughout the world, but experience had also taught it not to remain silent when human rights violations occurred.

18. In Zimbabwe, a Commonwealth electoral team had concluded that the conditions in the presidential elections had not allowed for a free expression of will by the electors. The international community should take a united stand on that situation so as to prevent a deterioration in the human rights situation that could spill over into neighbouring countries.

19. The completion of the disarmament process and the forthcoming elections in Sierra Leone were significant events in consolidating that country's long-term stability. Her delegation welcomed the agreement between the United Nations and the Government for the establishment of the Special Court for Sierra Leone. It was, however, concerned by the situation of displaced people and allegations concerning sexual violence and exploitation.

20. Whilst the recent cooperation by the Government of the Sudan with the initiatives of the United States' Special Peace Envoy were encouraging, her delegation regretted the absence of a formal link to the Inter-Governmental Authority on Development (IGAD) peace process. It was of paramount importance that the safety and security of civilians, including humanitarian workers, should be ensured. Human rights violations outside the context of the current conflict were also a matter of deep concern.

21. Her delegation noted Saudi Arabia's recent approval of new legislation on the rights of defendants and regulations for legal practice. It hoped that the increased engagement with human rights issues would translate into an administration of justice in that country that was consistent with human rights standards.

22. Her delegation remained very concerned about the situation in Iraq, where the Government continued to show a complete disregard for the rights and dignity of its citizens. The Government should put an end to human rights violations. She noted, however, the Government's willingness to permit the Special Rapporteur on the situation of human rights in Iraq to carry out his mandate and hoped that he would receive full cooperation.

23. Her delegation was concerned that the clear desire of the Iranian public for reform continued to be undermined by the deterioration in the human rights situation. Once again, it urged the Government to allow the Commission's Special Representative to fulfil his mandate.

24. Although the collapse of the Taliban regime and the subsequent inauguration of the interim Administration were positive signals, her delegation remained concerned about the human rights situation in Afghanistan. The inclusion of women in the new Administration and the inclusion of provisions in the Bonn Agreement for building human rights institutions was encouraging, however.

25. In Sri Lanka, her delegation welcomed the recent moves towards a peaceful resolution of the conflict, including the ceasefire agreement. It noted the commitment to suspend search-and-arrest operations under the Prevention of Terrorism Act and called upon all parties to build on the successes achieved.

26. Her delegation supported China's continuing attempts to modernize its economy and relax social controls. At the same time, it encouraged China to ratify and implement the International Covenant on Civil and Political Rights and to implement, without reservation, the International Covenant on Economic, Social and Cultural Rights. The persistent scale and scope of restrictions on freedom of expression, association, press and religion, especially in Tibet and Xinjiang, were of great concern, as was the application of the death penalty for non-violent crimes.

27. Her delegation encouraged the Government of Viet Nam to reconsider the question of administrative detention, to take further measures to facilitate political and religious expression and to ensure the well-being of the Montagnards.

28. Her delegation remained deeply concerned by credible reports of human rights violations against civilians by both sides in the conflict in the Republic of Chechnya of the Russian Federation. It reiterated its call for the speedy and transparent investigation of all allegations and encouraged both sides to find a political settlement.

29. In Colombia, the protection of the civilian population was her primary concern. Impunity and the continued lack of respect for international humanitarian law were particularly worrying. Her delegation called on the Government to redouble its efforts to bring to justice those responsible for human rights abuses. A negotiated solution was still the best approach.

30. Her delegation remained deeply concerned about Cuba's use of legal restrictions, detention, harassment and imprisonment of individuals for actions that were legitimate within the terms of Cuba's own international human rights commitments. Cuba should allow greater space for peaceful political discussion and allow its nascent civil society to participate in domestic attempts to widen the public debate.

31. Her delegation took note of advances in but also shared concerns about, the human rights situations in the Balkans, Burundi, Cambodia, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Ethiopia, Eritrea, Guatemala, Haiti, Indonesia and East Timor, Myanmar, Pakistan, Rwanda, Togo and Uganda.

32. Much remained to be done in Canada itself, but respectful international engagement with its governmental and non-governmental partners was at the basis of sustainable changes. That was why her delegation had highlighted areas of concern in the world, in the hope that, through multilateral and bilateral engagement, they could be overcome.

33. Mr. Salloum (Syrian Arab Republic), Vice-Chairperson, took the Chair.

34. Mr. CHUNG Eui-yong (Republic of Korea) said that the Commission had played a pivotal role in realizing the principles enshrined in the Universal Declaration of Human Rights. Many countries had ratified the key human rights conventions, including the International Covenant on Civil and Political Rights, and the universality, indivisibility and interdependence of human rights were widely acknowledged. Such achievements, however, did not guarantee that all countries would abide by international human rights standards. Abuses such as torture, abductions, extrajudicial executions and racial discrimination continued to be a reality for millions.

35. Putting an end to the culture of impunity would be an important first step in efforts to eradicate such violations. In that regard, the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Court, the Rome Statute of which his Government had signed in March 2000 and would ratify in due course, would be most valuable.

36. The terrorist attacks in the United States on 11 September 2001, which had generated fears about global peace and security, were both an affront to human dignity and crimes against humanity. The collective measures taken by the international community to protect innocent

individuals from terror were in fact measures to safeguard the most fundamental of human rights. At the same time, respect for human rights should be an integral part of the fight against terrorism.

37. In some countries, the failure of closed economic structures had resulted in deprivation of the basic means of life. Facing impoverishment and starvation, many people were forced to cross their borders in search of food, often risking their lives in the process. Such people must be duly protected and the international community should give the matter its full attention. In particular, those who came into the category of refugees should be provided with the necessary protection. His delegation fully supported the efforts of UNHCR and the many countries concerned to protect the rights of refugees.

38. Only by addressing underlying factors such as discrimination on the basis of racial, religious and cultural differences and by fostering a culture of tolerance and respect would the international community be able to prevent human rights violations. His delegation therefore attached great importance to the full implementation of the Durban Declaration and Plan of Action. It also had high expectations for the work of the Anti-Discrimination Unit to be established by OHCHR and of the five independent experts to be appointed by the Secretary-General as a follow-up to the Durban Conference.

39. On the Korean peninsula, almost 10 million people had suffered the pain of not knowing the fate of their loved ones for over half a century. It was a humanitarian and human rights issue that urgently needed to be resolved. As a result of the historic meeting between the leaders of South and North Korea in June 2000, efforts to ease such pain had been intensified and three exchanges of visits had taken place to date. In that context, he informed the Commission that, two days previously, the authorities of both North and South Korea had issued a joint press release in which they had reaffirmed their commitment to continued cooperation in the spirit of fraternity, humanitarianism and mutual respect. They had also agreed to resume exchanges of visits between separated families.

40. No country was free of human rights problems and all Governments must frankly acknowledge the problems in their own countries. They should embrace universal human rights standards and demonstrate a willingness to act upon them. Only then would efforts for the promotion and protection of human rights bear fruit.

41. Mr. NOGAWA (Japan) said that, while all human rights were universal, the approach adopted addressing human rights issues could be influenced by history, culture, religion and tradition. Respect for and tolerance of such circumstances were essential for the promotion of freedom, justice and peace but must never be used as an excuse for rationalizing the suppression of human rights. Human rights cases in individual countries should be dealt with in the spirit of the Year of Dialogue among Civilizations and criticism and reproach must be tempered by dialogue, understanding and mutual respect.

42. His Government supported the goal of universal human rights protection and believed that human rights situations could be improved through dialogue and positive encouragement rather than high-handed denunciation. Flagrant violations required immediate disapproval and action but, if the Government in question was seriously addressing its human rights situation

even if it required time owing to the complications of religion or the political landscape, the international community should support those efforts and offer whatever technical assistance was necessary.

43. His Government had adopted such an approach in its bilateral dialogues on human rights with a number of countries, which had improved its understanding of how other Governments dealt with their respective human rights situations and had allowed it to target more effectively its cooperation efforts. In that connection, he noted the importance of the Partnership for Democracy and Development, launched at the G-7/G-8 Summit in 1996, and welcomed the steady advances made towards democratization in many countries, which promoted the participation of people in government and development and thereby led to the promotion of human rights. The Partnership emphasized that Governments required not only political will but also appropriate infrastructure and resources and his Government was providing support to those countries that were making sincere efforts. The positive results achieved illustrated that encouragement was more effective than condemnation.

44. Despite the progress made, much still remained to be done and he urged all States to approach human rights in a positive manner based on the principles of dialogue, understanding and mutual respect. Human rights were universal because everyone belonged to the human family; bearing that fact in mind would help to promote positive and constructive solutions to human rights issues.

45. Mr. ARENALES FORNO (Guatemala) said that consideration by the Commission of country situations was the most effective way of promoting human rights. Its efforts had led to the development of cooperation programmes, promoted democratization and increased respect for human rights. It should continue its consideration of the countries in question and also add to its agenda cases of grave human rights violations in other countries. To ensure that no human rights situation escaped the attention of the Commission, his delegation, like the other members of the Latin American and Caribbean group, was advocating the preparation of a world report by OHCHR which would include recommendations concerning cases which required action by the Commission.

46. Guatemala, like many other countries, was trying to consolidate its young democracy and promote human rights; the situation was not perfect but, he stressed the importance of recognizing problems and remaining open to international human rights mechanisms, such as the 1503 procedure, and the special representatives and rapporteurs and independent experts. In 1998, the Commission had concluded its consideration of the case of Guatemala under agenda item 9, but his Government had voluntarily agreed to the establishment of a permanent human rights monitoring mission, which was an important mechanism for human rights protection. It had also requested the High Commissioner to maintain a permanent office in the country which collaborated closely with the mission and there was a standing invitation to the various special rapporteurs and representatives to visit the country.

47. His delegation thus felt entitled to express dismay at the failure of some States to cooperate with human rights mechanisms and at the tolerance of such attitudes shown by other States or groups of States. He was convinced that even a small country could play a major role

in the promotion of human rights and rejected and condemned attempts by some members of the Commission to imply that they would submit a resolution on Guatemala if his delegation did not moderate its attitude to certain issues. Such attempts could destroy the credibility and effectiveness of the Commission and veiled threats would not prevent his delegation from adopting the positions it felt were necessary for the promotion of human rights in Guatemala and elsewhere.

48. He called on the members of the Commission to act responsibly and not to regard human rights mechanisms as confrontational or threatening. They had all committed themselves to protecting the victims of human rights violations and neither the 1503 procedure nor the public procedure should be regarded as a punishment but rather a mechanism facilitating cooperation.

49. Mr. MORA GODOY (Cuba) said he regretted that, despite its mandate to investigate human rights violations in any part of the world, the Commission seemed to focus on certain parts only. Since 1997, the Commission had considered, criticized and treated with varying degrees of severity situations in a score of countries of the South, particularly African and Asian countries. Their accusers were always the Northern, industrialized countries which, in spite of their own obvious and sometimes massive human rights violations, were never criticized by the Commission.

50. Year after year, the countries of the South were criticized or considered under the 1503 procedure without any effort to deal with the root causes of their problems, often the legacy of colonialism and neo-colonialism. The Commission had the right and the duty to scrutinize the ethical credentials of those of its members which promoted actions against other States such as to impede the development of international cooperation, poison the atmosphere in the Commission and divide its members into opposing groups by means of sterile voting processes.

51. He wondered why the Commission did not adopt the same attitude towards the United States, which violated the human rights of millions of its own citizens as well as those of other countries, such as Cuba. More than 15 per cent of the United States population lived below the poverty level, African Americans and native Americans were still suffering the consequences of years of discrimination and violence and Hispano-Americans were often discriminated against and treated as undesirables. The United States also imposed the death penalty on mentally ill persons and minors.

52. Cuba had often been the victim of United States efforts to manipulate the Commission. After failing in its attempt to have a resolution against Cuba adopted in 1998, it had prevailed upon the delegation of the Czech Republic to propose another such resolution in 1999, although it had been clear to all that the true author was the United States. On 5 April 2002, his delegation had denounced the latest initiative by the United States which was circulating a draft resolution written in English in the capitals of a number of Latin American countries in an attempt to find a delegation willing to sponsor it in the Commission.

53. Any delegation which supported the United States vendetta against Cuba would be helping to prolong the devastating economic embargo from which his country had suffered for more than 40 years. His own delegation would not hesitate to oppose such sterile and unjust manoeuvres, by any delegation and at any time.

54. Mr. DEMBRI (Algeria) said that human rights protection should not be a source of antagonism between the countries of the North and those of the South. The international community must call for greater international cooperation so as to encourage democratic procedures and to prevent the exacerbation of social and political tensions. He had been surprised to hear, therefore, that not one of the 64 countries accused of human rights violations by the European Union was a European country. However, racism was rife in northern Europe. In the United Kingdom, for example, three official reports published in late 2001 revealed that ethnic segregation had reached intolerable levels, causing riots to break out in several cities. The situation of the gypsies in the Czech Republic was another cause for concern.

55. On the issue of impunity, it was regrettable that European judges seemed to be indifferent to the violations of human rights during colonial wars, even where the perpetrators had publicly claimed responsibility. It was utterly ridiculous that the most severe punishment applied by such judges to a man who had committed crimes against humanity had been to prohibit him from wearing his military uniform on the grounds of senility. While welcoming the official apology that had been issued by Belgium for the murder of Patrice Lumumba, he felt that the perpetrators of the crime should have been prosecuted and reparations paid. By the same token, the prosecution of four nuns for their very minor part in the Rwanda genocide had apparently served to appease the conscience of those responsible for the investigation, although the names of the major criminals were known. It should not be forgotten, either, that European multinational companies were often responsible for trafficking weapons, and for corrupting and destabilizing authorities in Africa.

56. He urged the Commission to gear the dialogue under agenda item 9 towards a more constructive approach and more balanced international cooperation so as to help it meet its commitments to create a fairer world in which the ideals of democracy and human rights would prevail.

57. Mr. WISNUMURTI (Indonesia) said that his Government respected the path chosen by East Timor and had endeavoured to forge ties with the leaders of the future State. It welcomed the openness displayed by the authorities of East Timor and applauded their efforts to strengthen the national infrastructure for the promotion and protection of human rights. His Government was working in close cooperation with *Timor Lorosae and the United Nations Transitional* Administration in East Timor (UNTAET) to resolve the outstanding problems between the two countries.

58. Examples of that cooperation included the Joint Border Committee and the regular visits made by delegations to Dili and Jakarta with a view to establishing links between East Timor and Indonesia on various issues of common interest. At recent high-level talks, an agreement had been reached to strengthen the ongoing cooperation on judicial matters. A tripartite meeting had also been held between Indonesia, East Timor and Australia, focusing on a wide range of

issues including economic cooperation between the three States, the repatriation of East Timorese refugees in West Timor and transnational crimes such as drug trafficking, terrorism and people-smuggling.

59. On a recent visit to East Timor and Indonesia, Mr. Despouy, the then Chairperson of the Commission on Human Rights, had noted the good relationship developing between the two countries, saying that constructive progress in terms of the repatriation of refugees had been made. Two-thirds of the 300,000 refugees who had fled to West Timor in the wake of the 1999 popular consultation had been repatriated to East Timor by the Indonesian Government, with the help of the International Organization for Migration (IOM) and UNHCR. His Government had taken steps to resettle those who wished to stay in Indonesia.

60. Indonesia was doing its utmost to bring all human rights violators to justice through a national process, in line with its judicial system. An ad hoc human rights court had been established pursuant to Presidential Decree 96/2001 to try cases of gross violations of human rights which had taken place in East Timor in the period leading up to and immediately following the 1999 popular consultation, including those by senior officials. In March 2002, President Soekarnoputri had signed regulations on protection for witnesses and victims of human rights abuses and on the compensation, restitution and rehabilitation of victims of human rights abuses, enabling the first trials to begin at the Central Jakarta District Court. Addressing concerns over the jurisdictional limitations of the ad hoc court, he stressed that the court had been established in conformity with Law 26/2000 on human rights courts, and that extending the jurisdiction of the Court would be inconsistent with the agreed Chairperson's statement at the Commission's fifty-seventh session.

61. Among other breakthroughs in cases of human rights abuses there had been the Supreme Court's decision to increase the prison sentences of the men convicted of killing three UNHCR staff members in West Timor in September 2000, to five and seven years. Evidence was being gathered on the case of the murder of Dutch journalist Sander Thoenes.

62. One of the priorities of the democratic process in his country had been to address the issue of the separatist movements in Aceh and Papua. The two provinces had been granted special autonomy status in the management of their administrative and economic affairs.

63. Another priority had been the settlement of the conflicts between the Muslim and the Christian communities in Sulawesi and the Moluccas. The outbursts of violence had subsided thanks to efforts by the Government to broker peace deals between the two communities, and rehabilitation and reconstruction programmes were currently under way in both areas.

64. His Government had consistently pursued its goal of promoting human rights by means of concrete measures, including legislative measures and the ratification of international human rights instruments, as well as seminars, workshops and training programmes, facilitated by technical cooperation with other countries and with the relevant international organizations. Despite the sporadic bouts of violence that had shaken certain provinces, the socio-cultural fabric of the country remained intact, reinforced by a new awareness of democratic values which had helped the process of reconciliation. The Government had set itself an ambitious programme of reforms which would take time but it was fully determined to meet its objectives.

65. Ms. INAYATULLAH (Pakistan), speaking on behalf of the member States of the Organization of the Islamic Conference (OIC), said that the recent Extraordinary Session on terrorism of OIC Foreign Ministers had denounced all forces that threatened Islam and Muslims and rejected attempts to link Islam to terrorist acts. Steps must be taken to protect the rights of innocent citizens.

66. The recent invasion and reoccupation of the Palestinian territories by the Israel Defence Forces (IDF) had been a source of deep anguish for the Islamic world. The OIC strongly condemned Israel's use of force and its attempts to undermine Palestinian national institutions and elected leadership. It called for the full implementation of Security Council resolution 425 (1978) and the withdrawal of Israel from all occupied Lebanese territories, including the Shebaa Farms. Israel should release the Lebanese civilians detained in Israeli prisons, and provide maps showing all the landmines left behind by the occupation forces in southern Lebanon, which continued to pose a threat to human life.

67. The OIC had consistently urged the Commission to end its consideration of the situation of human rights in the Islamic Republic of Iran; it considered resolution 2001/17 and the resolutions adopted by the Commission in the preceding 18 years to be politically motivated. Moreover, the latest resolution did not take into account the progress made in that country to promote human rights.

68. The installation of the Afghan interim authority was a welcome development and the international community should support its efforts to reconstruct the country. Donors should release the financial assistance they had pledged at the recent Tokyo Donor Conference, and the international community should strengthen and expand the mandate of the international security force for Afghanistan.

69. She drew attention to the OIC resolutions calling for a peaceful settlement to the Jammu and Kashmir dispute, and expressed concern about the problems encountered by Bosnian Muslims returning to Bosnia and Herzegovina. Over 20,000 Bosnian Muslims were still missing.

70. Another concern was the occupation of Azerbaijani territories and the suffering of Azerbaijani displaced persons and refugees. The OIC called for a just and peaceful settlement of the conflict between Armenia and Azerbaijan which respected the principles of territorial integrity and the inviolability of internationally recognized borders.

71. The OIC respected the sovereignty, territorial integrity and political independence of Iraq, and welcomed paragraph C of Security Council resolution 1284 (1999) pertaining to humanitarian initiatives aimed at meeting the needs of the Iraqi people and alleviating their suffering.

72. The OIC called for an early solution to the problem of prisoners and missing persons from Kuwait and other countries, supported the cause of the Turkish Muslim people of Cyprus and reaffirmed its resolutions and declarations on Cyprus. It opposed the organized campaigns against some of the States in its group, carried out in the name of condemning slavery and slavery-like practices, as being politically motivated and based on falsehood and misinformation.

73. She urged the Commission to adopt concrete measures to alleviate the suffering and plight of the Muslim peoples, and assured it that the OIC would cooperate positively.

74. Mr. SOLARI (Argentina) said that the question of human rights in Cyprus had been under consideration by the Commission for over 25 years, but no solution had yet been reached. His delegation had noted that direct conversations had been held between the leaders of the two communities and hoped that the dialogue would be maintained and that a comprehensive solution addressing all the human rights elements, would be found by June 2002. His Government gave its full support to the Secretary-General's good offices mission in Cyprus and hoped that, in accordance with the Security Council resolutions, a solution would be found based on a single Cypriot State, whose sovereignty, citizenship and international personality would be single and whose independence and territorial integrity would not be in danger, made up of two communities on an equal footing in political terms.

75. His Government supported the freedom of movement of persons, their right to return to their homes and property and their right to decide on their place of residence. Steps should be taken to implement fully the Commission's resolutions on those issues.

76. Mr. SHA Zukang (China) said it was regrettable that the Commission on Human Rights had become a battlefield for ideological confrontations. In recent years, almost all country-specific resolutions adopted under agenda item 9 had targeted developing countries, giving the false impression that the developed countries had an impeccable human rights record. Only by abandoning double standards and restoring the principle of equality could the Commission expect to keep its objectivity and fairness.

77. China was a developing country with 1.3 billion people. The human rights situation was better than ever before, and his Government was proud of its achievements, but was endeavouring to improve the situation further. In 2001, despite a general slowdown in the global economy, China had registered a 7.3 per cent growth in its gross domestic product (GDP). The incomes of the urban and rural populations had increased by 8.5 per cent and 4.2 per cent respectively. The number of the rural poor had dropped significantly and average life expectancy had reached 71.8 years.

78. Over the past year, the Standing Committee of the National People's Congress had adopted 20 laws and regulations and had revised a number of existing laws to enhance labour protection and to ensure fairness in the administration of justice. A system of legal aid had been put in place throughout the country. The Government was also actively promoting international exchanges and cooperation in the field of human rights.

79. It was disappointing that the human rights situation in China had been subjected to criticism at the current session. He stressed that the Constitution explicitly provided for freedom of speech, publication, assembly and association. Citizens were encouraged to air their views on the performance of the Government and the monitoring role of the mass media was welcomed. Over 2,000 NGOs were working actively in China, in such areas as human rights and environmental protection.

80. He denied allegations that there was no religious freedom in his country, saying that five major religions were practiced in China, all of which were equal.

81. In response to accusations of oppression and human rights violations in Tibet and Xinjiang, he drew attention to the fact that, only 50 years previously, Tibet had been ruled by a theocracy under a system of feudal serfdom, where slaves had been traded freely and 95 per cent of the population had lived in abject poverty. The basic needs of the population had since been met. The Tibetan legal system provided effective guarantees of the full enjoyment of democracy, autonomy, and human rights and freedoms.

82. Xinjiang was another autonomous region with a large ethnic minority population. His Government had made great efforts to ensure that the people were able to exercise their religious beliefs, for example by earmarking funds to refurbish mosques. Religious leaders were encouraged to participate in the running of political, economic and social affairs. However, terrorists trained abroad with foreign funding would not be tolerated in China.

83. With the full implementation of the Government's programme for developing the western region of China, the economic progress in Tibet and Xinjiang could not but accelerate.

84. Mr. KHABBAZ-HAMOUI (Syrian Arab Republic) said that his delegation was most concerned at the accusations made by Western countries and directed at developing countries during the discussion of agenda item 9. He regretted that Western countries kept silent in the face of flagrant human rights violations by Israel in his region, in particular the detention of thousands of Lebanese, Syrians and Palestinians in Israeli prisons where they were denied fundamental human rights.

85. He also wished to respond to allegations by the spokesman for the European Union concerning human rights violations in many countries, including his own. As usual, the countries referred to had been developing countries. That spokesman asserted that the Union respected human rights, but several speakers confirmed that human rights were being violated in a number of States members of the European Union.

86. Western countries had also impeded the work of the Durban Conference and had not wanted to hear developing countries speaking out for their rights, and that was in itself a violation of human rights and a form of discrimination.

87. His delegation recommended that the States members of the European Union should be more objective in their outlook. His Government had been instituting reforms and taking initiatives to protect and promote human rights which had been widely recognized by the international community. The European Union, which was founded on cultural values, had begun to understand the circumstances of certain developing countries. He hoped that it would try to understand others in a similar manner rather than making false allegations.

88. Mr. AL-FAIHANI (Bahrain) said that the past few years had seen both successes and setbacks in the area of human rights throughout the world. Although human rights continued to be violated during armed conflicts, there had been positive developments in the form of more

and more developing countries promoting human rights and fundamental freedoms, largely due to cooperation and dialogue with United Nations organs. The Commission should encourage such developments.

89. Bahrain was currently undergoing progressive modernization and, over the past two years, his Government's policy had focused on achieving political, social and economic progress through respect for and promotion of human rights and fundamental freedoms. A referendum had resulted in the adoption of a National Action Charter providing for a democratically elected legislative body, guaranteeing the separation of powers and a fully independent judiciary and reaffirming personal rights and freedoms.

90. Over the past two years, many other steps had been taken to promote human rights and fundamental freedoms, including the release of all prisoners held for offences against national security, the return of Bahrainis living abroad and the repeal of the State Security Law. A Human Rights Committee had been set up with a wide-ranging mandate to investigate human rights issues and an independent NGO, the Bahrain Human Rights Society, had also recently been authorized.

91. In addition, a Supreme Council for the Judiciary had been established to safeguard further the independence of judges and the integrity of the judicial process. His Government had appointed women to senior positions and, in 2001, a Supreme Council for Women had been set up.

92. Bahrain continued to cooperate with the organs of the United Nations. In 2001, it had hosted a successful visit by the Working Group on Arbitrary Detention. In 2000, it had discussed a report for submission to the Committee on the Elimination of Racial Discrimination and, in 2002, it had already discussed its report for submission to the Committee on the Rights of the Child.

93. The cause of human rights needed increased support from States, societies, groups and individuals and a show of international solidarity in the form of cooperation and dialogue to overcome the many dangers facing a noble and fundamental cause.

94. Mr. KNOTHE (Poland), having stated that his delegation aligned itself fully with the statement by the representative of Spain on behalf of the European Union, said that there were a few issues on which it wished to elaborate. One of the main tasks facing the Commission was improving the effectiveness of its mechanisms and taking full advantage of them. His Government reiterated its intention of cooperating fully with the special procedures and extended a standing invitation to the representatives of all the human rights mechanisms.

95. In recent years, the international community had made substantial progress in promoting human rights and obtaining their universal acceptance. One recent example of that process was the establishment and development of international courts and tribunals. Similarly, an impressive body of human rights standards had been created under the auspices of the United Nations and regional organizations. There were still too many instances, however, of

disrespect for human rights and too many places in which violations were occurring. The Commission had a duty to narrow the gap between the obligations States had undertaken and their actual implementation and to act to prevent the continued violations of human rights.

96. His delegation shared the concern of the European Union about the human rights situations in many parts of the world and would support all actions taken by the Commission at its current session to improve human rights. It was against selectivity, however, and took exception to the remarks made by the representative of Nigeria regarding Central and Eastern European countries including Poland. His Government was prepared to discuss any situation concerning human rights in Poland which the Commission considered justified but, to do so, it would require more specific information on the criticism being levelled against it.

97. Mr. RANJHA (Pakistan) said that even democracy, the preferred avenue for the promotion of civil and political rights, could be corrupted to produce regimes that were cruel and aggressive. There was a country that referred to itself as "the largest democracy in the world" yet its Government was made up of religious fanatics and ultra-nationalists.

98. The massacres in the Indian State of Gujarat were the direct outcome of attempts to whip up anti-Muslim sentiment in order to revive flagging political support for the ruling party. Over a thousand Muslims had been murdered in organized pogroms and many remained under threat. He urged the High Commissioner for Human Rights to appoint a commission of inquiry to investigate and report on the Gujarat pogrom and to recommend measures to protect the fundamental human rights of Muslims in India.

99. The gravest violations of human rights occurred during armed conflict and foreign military occupation, as was the case in both the Palestinian territories occupied by Israel and Indian-occupied Jammu and Kashmir. The campaign against terrorism was being used as a pretext to justify the suppression of the legitimate rights of the Palestinian people and it was high time that the nations of the world told the Government of Israel to stop perpetrating such atrocities.

100. India, too, had sought to take advantage of the war against terrorism after 11 September 2001 to intensify its military and diplomatic campaign to suppress the struggle of the people of Jammu and Kashmir to exercise their right to self-determination. India had increased military deployment on its border with Pakistan in an attempt to enforce a solution. The Pakistani Government had repeatedly sought dialogue on the issue, however, and would not submit to military coercion or abandon its principled stand on Kashmir.

101. The international community should take steps to avoid a disastrous conflict in South Asia and to ease the repression of the long-suffering people of Jammu and Kashmir. He urged the Commission to call on India to release the leaders of the All Parties Hurrieyet Conference and other Kashmiris detained by India; to enable the All Parties Hurrieyet Conference to conduct its political activities freely in Indian-occupied Kashmir and to allow impartial human rights monitors to be stationed in Jammu and Kashmir.

102. Mr. KOKJO (Togo) said that the spokesman for the European Union had once again given in to the temptation to lecture others, adopting the line that everything was perfect in the North and that fundamental freedoms were violated only in the South. His delegation endorsed the statement by the representative of Algeria denouncing that myopic attitude. There was a tendency to forget the many cases of Africans who had died while being deported by the police and the ill-treatment of foreigners detained in provisional detention centres or at airports - particularly those with Arab features - since the events of 11 September 2001.

103. It seemed that the concern that the European Union expressed for the people of Togo was insincere, otherwise relations between Togo and the European Union would not still be suspended - on incorrect and unjust pretexts - after almost 10 years without any regard for the population's sufferings. The Union's actions exacerbated the tension in Togo.

104. Contrary to the assertions of the representative of Canada, freedom of the press did exist in Togo, although certain limits were placed on it in order to prevent the diffusion of false information such as defamation or attacks on the honour or dignity of persons.

105. Mr. NAM Choe Myong (Observer for the Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that his delegation wished to clarify the reference made to the human rights situation in the Democratic People's Republic of Korea by the spokesman for the European Union. Since the Summit Meeting in May 2001, his Government had been responding very seriously to the issues raised by the European Union in the area of human rights. Exchanges of views on human rights had been a regular feature of bilateral political dialogue and experts from the Democratic People's Republic of Korea had participated in human rights training under the auspices of States members of the European Union. His Government had also been doing its utmost to fulfil its international obligations, including submitting a second periodic report under the International Covenant on Civil and Political Rights, ratifying the Convention on the Elimination of All Forms of Discrimination against Women and becoming a party to several international anti-terrorist conventions.

106. His delegation felt that the criticisms by the spokesman for the European Union were a reflection of the Union's biased approach towards its system and an expression of hostile feelings towards its ideology. It was the sovereign right of every State freely to choose its own ideology and social system, and violating that right was a breach of the acknowledged principles of international law. Moreover, the allegations made coincided with increasing attempts by hostile forces to isolate his country.

107. His Government would continue to carry out faithfully its obligations under the international human rights instruments and to consolidate further its cooperation in the field of human rights.

108. Ms. TAWFIQ (Observer for Iraq), speaking in exercise of the right of reply, said that the representative of Canada had repeated allegations and accusations which had been levelled against Iraq for many years, whilst completely ignoring the achievements and developments which had taken place in the country. Such developments were particularly significant given that Iraq was being blockaded and had sanctions imposed against it which had caused the deaths of around 1,600,000 people, many of them children.

109. She referred the representative of Canada to international reports such as that by the World Health Organization (WHO) which had examined the deterioration in the situation in Iraq as a result of the sanctions. It would have been more fitting for the representative of Canada to refer to such violations instead of repeating the same accusations so often heard previously. She also wished to remind the representative of Canada that her Government had received the Special Rapporteur on the situation of human rights in Iraq from 15 to 18 February 2001 and had granted him free access and the right to contact anyone he wished in the country in connection with the preparation of the report (E/CN.4/2002/44) that he had submitted to the Commission at its current session.

(b) PROCEDURE ESTABLISHED IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1503 (XLVIII) AND 2000/3 (agenda item 9) (continued)

110. The CHAIRPERSON said that the Commission had considered agenda item 9 (b) in closed meetings. It had had before it for consideration under Economic and Social Council resolutions 1503 (XLVIII) and 2000/3 the human rights situations in five countries, namely, Chad, Liberia, Nigeria, Togo, and Zambia. The Commission had decided to discontinue consideration of the human rights situations in Nigeria, Togo and Zambia.

111. He reminded the members of the Commission that, in conformity with paragraph 9 of Economic and Social Council resolution 2000/3, they should not make any reference in public to the confidential decisions taken under that resolution or to any confidential material relative thereto.

112. The Chairperson of the Working Group on Situations had asked him to state publicly that, in several cases, there had been no replies from the Governments concerned when the Working Group on Communications had taken its decisions in August 2001. It was important for Governments to reply at all stages of the 1503 procedure. The timely submission of replies was essential to the functioning and effectiveness of the Working Groups.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF THE LIBYAN ARAB JAMAHIRIYA

113. Mr. SHALGAM (Libyan Arab Jamahiriya) said that, since the Commission's previous session, awareness of human rights had increased yet his Government remained deeply concerned at continuing violations of women's and children's rights, the use of torture and inhuman treatment and the persistence of discrimination, in violation of international instruments and the Charter of the United Nations.

114. The Libyan Arab Jamahiriya had sought from its foundation to promote freedom, the full enjoyment of human rights and to ensure the welfare and happiness of its people. Power was in the hands of the people, wielded through the people's congresses which took decisions and through the people's committees, which implemented such decisions. Recognizing that man was at the centre of comprehensive and sustainable development, the State provided free health care and education and took care of the vulnerable; exploitation had been eliminated by abolishing the wages system, and the sharing of production was the basis of the economic system.

115. The Green Magna Carta of Human Rights and the law on the promotion of freedom guaranteed the right to citizenship, equality and all basic freedoms. The legal system provided for the presumption of innocence, forbade torture and guaranteed the right to privacy and to own property. Capital punishment was banned.

116. The status of women received special attention and women were equal to men under the law. There were many women in the judicial system, the police and armed forces and the diplomatic and consular corps and almost 50 per cent of the members of the people's congresses were women. A cohesive family environment was considered important for rearing children and all forms of protection for children were included in the law.

117. Turning to the aftermath of 11 September 2001, he said that, while his Government strongly condemned acts of terrorism, it stressed the importance of agreeing on a single definition of terrorism with a view to identifying and dealing with its root causes. It was a grave mistake to link terrorism to a particular faith or nationality, and he strongly rejected the attempts by some persons to associate terrorism with Islam and the Arabs; Islam was a religion of brotherhood, love and tolerance.

118. He warned against identifying a people's struggle for independence as terrorism and stressed the need for the Commission to take a clear stand on that issue and resist being drawn into any attempt to deny a people's right to freedom and independence under the pretext of combating and conquering terrorism. He recalled that, in 1992, his delegation had urged the convening of a special session of the General Assembly to consider the phenomenon and define the concept of terrorism. He renewed its call for such a session.

119. He deplored the decades of suffering inflicted by the occupying Power upon the Palestinian people, as they tried to exercise their legitimate right to self-determination. Israel had responded to the criticisms of the international community with greater intransigence and increased force. The real terrorists were not those who were defending their land but those who had usurped the land and displaced the people of Palestine, subjecting them to oppression. The Commission must make every effort to provide full protection for the Palestinian people and help them to establish an independent State, with Jerusalem as its capital, where Arabs and Jews could live together.

120. Although the international community had made significant progress in establishing principles and standards to protect and promote human rights, obstacles such as poverty, illiteracy, disease, occupation, conflict, sanctions and coercive economic measures continued to hinder the full enjoyment of such rights. Libya had suffered greatly from economic sanctions imposed unilaterally by a State which, despite the opposition of many other States, continued to use the United Nations for its own purposes. Those sanctions had not yet been completely lifted due to the intransigence of the United States of America, which had dissuaded the Security Council from taking action to that end.

121. Turning to the conviction, upheld on appeal, of a Libyan citizen for involvement in the Pan Am accident over Lockerbie in 1998, he stressed that the conviction, based on questionable and contradictory circumstantial evidence, had been politically motivated and imposed by certain

parties. The Commission should support the release of Mr. Al-Megrahi, who was a political hostage, and advocate the immediate lifting of the sanctions unjustly imposed on the Libyan people together with the award of compensation for the human and material damage inflicted.

STATEMENT BY THE CHAIRPERSON OF THE BUNDESTAG COMMITTEE ON HUMAN RIGHTS AND HUMANITARIAN AID

122. Ms. NICKELS (Germany) said that, in 1998, the German Parliament (Bundestag) had created a Parliamentary Committee on Human Rights and Humanitarian Assistance to monitor human rights both in Germany and abroad.

123. The German Parliament welcomed the global trend towards the abolition of the death penalty and was committed to ensuring that minimum standards were respected in countries where the death penalty had not been abolished and where there was no moratorium on the execution of death sentences. Pregnant women, mentally disabled people and those under age at the time of committing the crime should not be executed.

124. In the light of the despicable acts committed under the Third Reich, the German Parliament was strongly in favour of a worldwide ban on torture. The fact that women and children were increasingly being subjected to torture was a particular cause for concern. The Parliament was endeavouring to prevent the production, trade, export and use of instruments of torture and hoped that the Commission would take steps in the same direction.

125. She expressed concern that human rights violations might be legitimized under the pretext of combating terrorism. Under no circumstances must that be tolerated. Security measures must not be allowed to create new gaps in the system safeguarding human rights and military measures against terrorists must not be exempt from international humanitarian law. The dramatic development of globalization might also endanger human rights, if economic, social and cultural rights were not implemented.

126. Islamism had been advancing since the 1970s and Islamic opposition activists had often called for the reintroduction of the Shariah. In many Muslim countries, the International Covenants of Human Rights were regarded not as the basis of a common, value-orientated policy, but merely as an expression of Western hegemony. That was partly because many of the countries concerned had suffered under colonialism as a result of which they saw Western values as discredited. Understanding the causes did not, however, mean accepting practices that infringed human rights. Instead, a debate must be opened on the incompatibility of parts of the Cairo Declaration and the Shariah with the universal validity of the international human rights instruments.

The meeting rose at 1 p.m.